

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

TERRY A. BROCK,

Plaintiff,

v.

**GORDON TRUCKING, INC.,
and GORDON TRUCKING, CO.,**

Defendants.

No. 12-0645-DRH

ORDER

HERNDON, Chief Judge:

On May 18, 2012, Terry A. Brock filed suit against his former employer Gordon Trucking, Inc., and Gordon Trucking, Co., for racial discrimination (Doc. 2). Now before the Court are his motions to proceed in forma pauperis (Doc. 3) and motion for service of process at Government expense (Doc. 4). Based on the following, the Court grants the motions.

By granting a motion for pauper status, a court authorizes a lawsuit to proceed without prepayment of fees. The Court must screen any indigent's complaint (those filed by prisoners and non-prisoners alike) and dismiss the complaint if (a) the allegation of poverty is untrue, (b) the action is frivolous or malicious, (c) the action fails to state a claim upon which can be granted, or (d) the action seeks monetary relief against a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2).

Brock's motion survives § 1915(e)(2) review. He signed a declaration contained in his motion to proceed *in forma pauperis* documenting his poverty. The

action appears to be neither frivolous nor malicious. At this point, the Court cannot conclude that the complaint fails to state a claim or that the named defendant is immune from suit. However, if Brock becomes employed he must pay the filing fee or in the event that Brock recovers anything in this lawsuit he must pay the filing fee, whichever occurs first.

Accordingly, the Court **GRANTS** Brock's motion to proceed in forma pauperis (Doc. 3) and motion for service of process at Government expense (Doc. 4). The Clerk of Court is **DIRECTED** to complete, on plaintiff's behalf, a summons and a form USM-285 using the information provided by plaintiff in his complaint (*see* Doc.2); the Clerk shall issue the completed summons. The United States Marshal **SHALL**, pursuant to Federal Rule of Civil Procedure 4, personally serve upon Defendant the summons, a copy of the complaint, and a copy of this Memorandum and Order. All costs of service shall be advanced by the United States, and the Clerk shall provide all necessary materials and copies to the United States Marshals Service.

It is **FURTHER ORDERED** that plaintiff shall serve upon defendants, or if an appearance has been entered by counsel, upon that attorney, a copy of every pleading or other document submitted for consideration by this Court. Plaintiff shall include with the original paper to be filed a certificate stating the date that a true and correct copy of the document was mailed to defendants or counsel. Any paper received by a district judge or a magistrate judge that has not been filed with the Clerk or that fails to include a certificate of service will be disregarded by the Court.

Finally, plaintiff is **ADVISED** that he is under an obligation to keep the Clerk of Court and opposing counsel informed of his address; the Court will not independently investigate his whereabouts. This shall be done in writing and not later than **7 days** after a change in address occurs. Failure to comply with this order will cause a delay in the transmission of court documents and may result in dismissal of this action under Federal Rule of Civil Procedure 41.

IT IS SO ORDERED.

Signed this 22nd day of May, 2012.

David R. Herndon



Digitally signed by
David R. Herndon
Date: 2012.05.22
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**Chief Judge
United States District Court**